IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 461 OF 2006
IN
APPEAL FROM ORDER ST. NO. 12675 OF 2006
WITH
CIVIL APPLICATION ST.NO. 12682 OF 2006

Dr. G.V. Iyengar & Anr. ... Applicants
V/s.
Shri A.R. Sampathkumar & Ors. ... Respondents

Mr. A.D. Chandra Bose for applicants
Mr. Mahabaleshwar Morje for respondent No.1.
Mr. R. Peerbhoy for respondent Nos. 2,3 & 4.

CORAM : A.M. KHANWILKAR, J.
DATED : 26th June, 2006

P.C.

. Heard counsel for the parties.

2. This application is for condoning delay of twenty seven days in filing Appeal from Order.

3. The reason stated is that the applicant No. 1 is non-resident Indian settled in USA. The applicant No. 1 as well as applicant No. 2 are the defendants in the proceeding. So far as applicant No. 2 is concerned, it is stated in paragraph 4 of the application that at the relevant time he was not well and sick and bed ridden for some days, therefore, he could not communicate with applicant No. 1 and his advocate.

4. As the delay is only of twenty seven days, the same is condoned in the interest of justice on condition of payment of costs. Application is allowed in terms of prayer clause (a), on condition that the applicants shall pay cost quantified at Rs. 2500/- within one week from today to respondent No. 2, failing which, it be assumed that the application is dismissed for non-prosecution.

[A.M. KHANWILKAR,J.]